

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

BENITO CHINEA,

Judgment Debtor,

and

FIDELITY MANAGEMENT TRUST COMPANY,

Third-Party Respondent.

14 CR 240 (DLC)

**TURNOVER ORDER**

WHEREAS the Court entered judgment against BENITO CHINEA on March 27, 2015 and ordered him to pay a \$100 special assessment and a \$40,000 fine;

WHEREAS China has made payments totaling \$20,172, and the outstanding balance, including accrued interest, is \$20,449;

WHEREAS, pursuant to 18 U.S.C. § 3613, upon entry of judgment, a lien arose on all of China's property and rights to property notwithstanding any other federal law, and the United States may use any federal or state procedure to enforce the judgment;

WHEREAS, pursuant to Federal Rule of Civil Procedure 69(a)(1) and N.Y. CPLR § 5222, the United States issued and served a restraining notice on Fidelity Management Trust Company ("Fidelity") for substantial nonexempt property belonging or due to China;

WHEREAS Fidelity answered that it holds one Rollover Individual Retirement Account ("IRA") for Chinaa with funds exceeding the outstanding fine balance;

WHEREAS Chinaa has a substantial nonexempt interest in the funds held by Fidelity, to which the criminal judgment lien has attached, and therefore the funds are subject to turnover;

WHEREAS the United States served Chinaa with the restraining notice and its motion for turnover order, including the exclusive and limited exemptions available to criminal judgment debtors under 18 U.S.C. § 3613(a);

IT IS HEREBY ORDERED that FIDELITY MANAGEMENT TRUST COMPANY shall liquidate securities in the IRA belonging to BENITO CHINEA as needed to pay \$20,449.00 to the Clerk of Court within 15 days from the date of this order. Payment should be made by cashier's check or certified funds to "Clerk of Court" with "No. 14 CR 240" written on the face of the payment and mailed to:

United States District Court  
500 Pearl Street, Room 120  
New York, New York 10007  
Attn: Cashier

Any surplus funds held in the IRA are subject to this Court's separate Preliminary Order of Forfeiture as to Substitute Assets.

Dated: New York, New York  
October 2, 2023

  
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DENISE COTE  
UNITED STATES DISTRICT JUDGE